

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEONARD TOBIN,

Case No. C19-518 RSM

Plaintiff,

ORDER OF DISMISSAL FOR FAILURE TO SERVE

V.

UNITED STATES DEP'T OF THE
TREASURY, et al.,

Defendants.

This matter comes before the Court *sua sponte* and on the Court's prior Order to Show Cause. Dkt. #10. Plaintiff Leonard Tobin, proceeding *pro se*, filed his Complaint on March 19, 2019, against Defendants the United States Department of the Treasury and the Internal Revenue Service. Dkt. #1. On August 16, 2019, the Court issued an Order striking Mr. Tobin's motion for default judgment and granting a thirty-day extension of time for Mr. Tobin to serve Defendants. Dkt. #9. The Court stated as follows:

[B]ased on the record, Plaintiff has failed to properly serve Defendant. Plaintiff is advised to review the requirements in Federal Rule of Civil Procedure 4(i) for service on the United States. Under Rule 4(m), service is required within 90 days after the Complaint was filed in this case. Because that deadline has expired, the Court will extend this deadline to 30 days from the date of this Minute Order. There will be no further extensions.

Id. Since that time, neither defendant has appeared.

1 On September 20, 2019, the Court issued an Order to Show Cause why this case should
2 not be dismissed for failure to serve. Dkt. #10. Federal Rule of Civil Procedure 4(m) states in
3 part:

4 If a defendant is not served within 90 days after the complaint is
5 filed, the court—on motion or on its own after notice to the
6 plaintiff—must dismiss the action without prejudice or order that
7 service be made within a specified time. But if the plaintiff shows
8 good cause for the failure, the court must extend the time for service
for an appropriate period.

9 Fed. R. Civ. P. 4(m). The Court directed Mr. Tobin to review Rule 4 and provide “a short
10 statement telling the Court how service was accomplished and why service in this case is or is not
11 proper.” *Id.* at 2. The Court advised Mr. Tobin that failure to file a response will result in
12 dismissal of this case.

13 Mr. Tobin has failed to respond to the Court’s Order to Show Cause. Accordingly,
14 dismissal of this case is now warranted. The Court hereby finds and ORDERS:

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- 16 1) Plaintiff’s claims are DISMISSED without prejudice under Rule 4(m).
- 17 2) This case is CLOSED.

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19 DATED this 25th day of October 2019.

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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
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